

ENTERED

June 24, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BELINDA LUGONES MARTIN, §
A # 203826946, §
§
Petitioner/Plaintiff, §
§
VS. § CIVIL ACTION NO. 4:20-2096
§
§
US ATTORNEY GENERAL WILLIAM §
PELHAM BARR., *et al.* §
§
§
Respondents/Defendants. §

ORDER OF DISMISSAL

Petitioner Belinda Lugones Martin, an immigrant detainee and Cuban national, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a complaint for declaratory and injunctive relief (Dkt. 1). On June 18, 2020, the Court entered an order (Dkt. 2) for Respondents to answer her petition. Petitioner now has filed a motion to voluntarily dismiss her case (Dkt. 10) under Rule 41(a) because she has been released from ICE detention.

Petitioner has clearly communicated her desire not to pursue her case. Federal Rule of Civil Procedure 41(a) permits dismissal of an action at the plaintiff's request. A motion under Rule 41(a) "should be freely granted unless the non-moving party will suffer some plain legal prejudice other than the mere prospect of a second lawsuit." *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002). In this case, Respondents have not yet appeared and will not be prejudiced.

The Court therefore orders that Petitioner's motion to voluntarily dismiss (Dkt. 10) is **GRANTED**. This civil action is **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, this 24th day of June, 2020.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE